



Date: June 28, 2018

To: Patrick H. West, City Manager *PW*

From: Alejandrina Basquez, Director Human Resources Department *A. Basquez*

For: Mayor and Members of the City Council

Subject: Review of City's Unlawful Harassment Complaints Policy and Procedures

At its December 12, 2017 meeting, the City Council directed the City Manager to provide a review of the City's Unlawful Harassment Complaints policy and procedures, identify how employees are informed of how they can file a complaint, provide a breakdown of the complaints the City has received over the past five years, and make any necessary improvements to the policy to ensure it is victim-friendly.

Current Unlawful Harassment and Sexual Harassment Policies and Procedures

The City currently has three written policies addressing unlawful harassment:

- AR 8-10, Issue 2, Policy Regarding Sexual Harassment (Attachment A)
- Personnel Policies and Procedures, Policy 2.1 – Discrimination Complaints (Attachment B)
- Personnel Policies and Procedures, Policy 2.2 – Unlawful Harassment Complaints (Attachment C)

City policies are electronically acknowledged during the new employee onboarding process and posted at www.longbeach.gov/hr for easy access and review. The City is also required to post Equal Employment Opportunity Commission and Department of Fair Employment and Housing posters in areas frequented by employees containing information on unlawful harassment, sexual harassment, non-discrimination requirements, and employee rights. This information has also been made available on the City's public facing website.

Recently, the Human Resources Department updated the City's Equal Employment Opportunity (EEO) brochure and made it available in both English and Spanish. The EEO brochure is made available at worksites and on the City's website. The brochure is a user-friendly and easy-to-read guide for employees (Attachment D).

Currently, City policies and procedures are compliant with State and federal requirements. The Department of Human Resources is conducting a review of City policies to ensure language is clear and consistent across policies. In addition, we are seeking to determine the effectiveness of outreach and programs by conducting a voluntary employee survey.

Avenues to Report a Complaint

The City offers City employees, unpaid interns, volunteers, job applicants, or third parties (e.g., contractors), five avenues to report allegations of harassment, including sexual harassment. Interested parties can report their complaint(s) to:



A classified City employee or job applicant may also choose to present a complaint to the Civil Service Commission. The Commission may then elect to either investigate the complaint as it relates to Civil Service Rules and Regulations or refer it to the City's EEO office for investigation.

To the extent possible, strict confidentiality is maintained. All information pertaining to a complaint is kept in a separate confidential file. City policies affirm no complainant shall fear reprisal or retaliation for reporting alleged acts of discrimination or harassment. Employees are permitted to use scheduled work hours to meet with their EEO Counselor or appropriate supervisor/manager to discuss their concerns.

Employee Communication, Training and Education

City employees are notified of their rights and responsibilities through the following avenues:

- Acknowledgement of City policies during on-boarding for new hires;
- New Employee Orientation training is provided on City policies;
- EEO Brochures available in both English and Spanish posted at worksites and available on the City's website; and,
- Required workplace EEOC and DFEH postings placed in areas frequented by employees and on the City's website.

In addition, the City provides a biennial state-mandated, two-hour training course on harassment prevention for all lead, supervisory and management staff, including elected officials and commissioners for Harbor, Water, and Civil Service Departments. In 2017, 1,484 employees completed the required training course.

This year, to ensure timely and effective handling of employee complaints by departments, the Human Resources Department coordinated a full-day training course for all Administrative Officers and their support analysts working on personnel matters on how to conduct EEO investigations. This full-day training was also provided to all Human Resources analysts and managers.

In addition, the Human Resources Department is researching and implementing best practices, such as harassment-free workplace training for all employees. International Association of Machinists & Aerospace Workers has engaged the Human Resources Department and asked to collaborate on providing a training session for employees. The Human Resources Department is targeting a pilot training program in Fall 2018.

Five-Year Complaint History

The City currently classifies complaints into three major categories: sexual harassment, unlawful harassment, and discrimination. A summary of each follows:

Sexual Harassment

Sexual harassment is conduct of a sexual nature that is “unwelcome,” not asked for, and not returned. Sexual harassment can consist of any form or combination of verbal, non-verbal, visual, or physical conduct that may or may not be explicit. Unwelcome sexual conduct that is sufficiently severe and pervasive as to create a hostile, intimidating, or offensive work environment, or when an employment decision or selection into a training program leading to employment is based on whether an employee, unpaid intern, or volunteer submitted or refused to submit to some form of sexual conduct, is considered sexual harassment.

Unlawful Harassment

Unlawful harassment is defined as harassment that creates a hostile, intimidating, or offensive work environment and occurs because of a protected status (i.e., race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, genetic information, gender, gender expression, gender identity, or military and veteran status). Retaliation against an individual for having initiated a complaint of harassment or discrimination is also considered unlawful harassment. To discipline, transfer, shun, or deny a promotional opportunity, training, or assignment to an employee, unpaid intern or volunteer, after filing or participating in resolution of a complaint, may be viewed as retaliation.

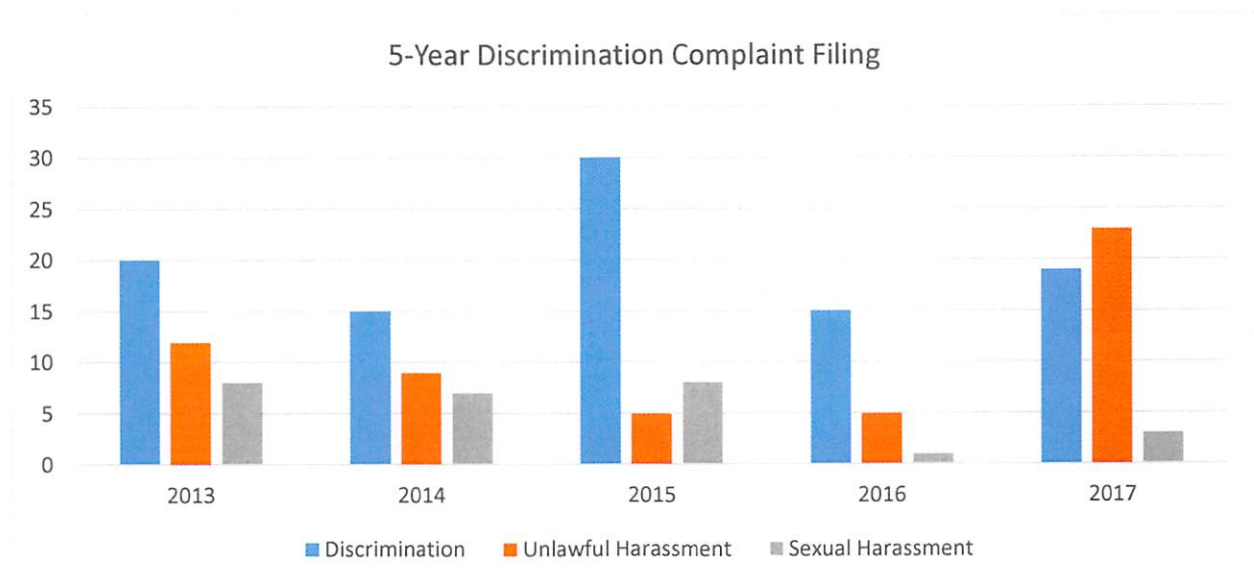
Discrimination

Discrimination complaints are defined as complaints based on provision of benefits or discrimination based on race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, genetic information,

gender, gender expression, gender identity, military and veteran status, or on any other basis inconsistent with Federal or State statutes, the City Charter, or City ordinances, resolutions, rules, or regulations.

From January 1, 2013 to December 31, 2017, the City's EEO Office received approximately 180 complaints as follows:

- 27 Sexual Harassment (15 percent);
- 54 Unlawful Harassment (30 percent); and,
- 99 claims of discrimination based on a protected status (55 percent).



The Human Resources Department responds on behalf of the City to complaints filed with external agencies (EEOC and DFEH) and investigates complaints filed internally within the City. Currently, the City outsources a majority of complaints to third-party vendors for investigation. However, the Department of Human Resources is actively seeking to investigate and resolve complaints internally using in-house staff.

Program Enhancements

By way of update, the Human Resources Department, Personnel Division EEO Office is headed by Khristina Coston, Human Resources Officer. Ms. Coston is available to City employees, applicants for City employment, unpaid interns, and third parties for advice and information on all EEO related matters.

The Human Resources Department is currently conducting a review of City policies to ensure language is clear and consistent across policies. In addition, we are seeking to

improve our metric and tracking systems to identify trends and determine effectiveness of outreach and programs.

If you have any questions regarding this matter, please contact Khristina Coston, Human Resources Officer, at (562) 570-6440.

AB:KC

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ATTACHMENTS: A - AR 8-10, ISSUE 2, POLICY REGARDING SEXUAL HARASSMENT
B - PERSONNEL POLICIES AND PROCEDURES, POLICY 2.1 – DISCRIMINATION COMPLAINTS
C - PERSONNEL POLICIES AND PROCEDURES, POLICY 2.2 – UNLAWFUL HARASSMENT COMPLAINTS
D - EQUAL EMPLOYMENT OPPORTUNITY BROCHURE – ENGLISH / SPANISH

CC: CHARLES PARKIN, CITY ATTORNEY
TOM MODICA, ASSISTANT CITY MANAGER
KEVIN JACKSON, DEPUTY CITY MANAGER
REBECCA GARNER, ASSISTANT TO THE CITY MANAGER
MONIQUE DE LA GARZA, CITY CLERK (REF. FILE #17-1139)



Administrative Regulations

Number AR8-10
Issue 2

Subject: Policy Regarding Sexual Harassment.

I. PURPOSE

The purpose of this regulation is to set forth City policy which defines and prohibits sexual harassment. In addition, it provides the steps necessary to take corrective action.

II. SCOPE

This regulation is applicable to all City departments and offices directly responsible to the City Manager. However, elected offices and semi-autonomous departments are urged to comply with the intent of this regulation which is relevant to all City operations.

III. DEFINITION

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Such behavior includes, but is not limited to, the following: sexually offensive comments, offers, slurs, posters, cartoons, or drawings; physical contact such as touching, pinching, or brushing against another's body; or demands for sexual favors.

The following are three criteria which shall be utilized as guidelines for determining whether or not certain conduct constitutes unlawful sexual harassment.

- Submission to the conduct is made either as an explicit or implicit condition of employment; or,
- Submission to or rejection of such conduct is the basis for employment decisions affecting the individual, such as, continued employment or decisions affecting pay, benefits, and/or advancement opportunities; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Retaliation is also illegal and shall not be tolerated. Retaliation occurs when adverse action is taken against the complaining party because of the sexual harassment charge.

IV POLICY

It is the policy of the City of Long Beach to provide a work environment free from all forms of illegal discrimination. In keeping with this policy, sexual harassment, which constitutes sex discrimination (under Section 703 of Title VII), will neither be condoned nor tolerated. All complaints will be promptly investigated and appropriate action taken. Employees who make complaints will not be harassed for filing a complaint.

V. PROCEDURE

Any employee who experiences sexual harassment should make it clear to the offending party that such behavior is offensive, unwelcomed, and contrary to City policy. Further, an employee should immediately report such conduct to his or her supervisor, a higher level supervisor, or a management person,

whichever is appropriate. The employee always has the right to report such conduct to the Affirmative Action Officer. If such conduct is reported to the Department, they will contact the Affirmative Action Office. Based on the severity of the incident(s), it will also be reported to the City Manager, or in the case of elected or independent offices, to other higher authority.

Any employee who believes she or he is a victim of sexual harassment by a co-worker, supervisor, City agent, or the public should promptly report the facts of the incident to an appropriate supervisor. To the extent possible the information will be held in confidence. No employee should fear reprisal or retaliation because of reporting to the proper authorities an allegation of sexual harassment.

Supervisors shall immediately report claims of sexual harassment to an appropriate management person. All claims of sexual harassment shall be immediately investigated, and prompt corrective action will be taken when warranted. Such action may include discipline up to and including termination of the offending employee or employees.

VI. NATURE OF INVESTIGATION

1. Investigation at the Department Level

To the extent possible, charges of sexual harassment should be handled at the department level using the same procedures as other disciplinary issues. However, all sexual harassment charges and subsequent investigations shall be immediately brought to the attention of the department head by the appropriate supervisor or manager. The Personnel Department shall be contacted to provide necessary assistance.

2. Investigations Conducted Outside the Department

In some cases, a department head may wish to have a sexual harassment charge investigated by an impartial party from outside the department. In these instances, the Director of Personnel should be contacted to determine how such investigations can be conducted. The Director of Personnel shall then recommend to the City Manager the appropriate form of investigation.

Since investigations of sexual harassment are often delicate, the Personnel Department will be available for advice and assistance at any time during the investigation.

VII. PROMULGATION

All department heads are directed to make the contents of this administrative regulation known to all employees in their departments; and to provide the same information to all new employees in the future.



CITY OF LONG BEACH

PERSONNEL POLICIES + PROCEDURES

Policy 2.1	Discrimination Complaints
	Effective Date: June 19, 1992 Last Revision Date: March 10, 2015

I. POLICY STATEMENT

It is the policy of the City of Long Beach to actively promote equal employment opportunity to all persons on all matters affecting City employment. The City of Long Beach is committed to a policy of non-discrimination in employment practices, and reaffirms its commitment that no person shall benefit or be discriminated against on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, genetic information, gender, gender expression, gender identity, military and veteran status or on any other basis inconsistent with Federal or State statutes, the City Charter, or City ordinances, resolutions, rules, or regulations.

II. GENERAL INFORMATION

The following procedure is intended to facilitate the timely resolution of complaints of unlawful discrimination. It is important that complainants be advised of their rights to file a complaint with an external regulatory agency. They should, however, be encouraged to first utilize the City's internal procedures to seek resolution.

III. PROCEDURES

There are several administrative processes available to City employees, unpaid interns, volunteers, job applicants, and third parties, for resolution of an informal or formal complaint. A complaint may be presented either to a departmental Equal Employment Opportunity Counselor, appropriate supervisor/manager, or the City's Equal Employment Opportunity Office.

An informal complaint differs from a formal complaint in that a complainant may seek assistance from the Department or the Equal Employment Opportunity Office in the Department of Human Resources. The investigation is limited and generally narrow in scope, and resolution is usually attempted through conciliation.

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A complainant may elect to immediately file a formal complaint, which is only handled through Civil Service or the Equal Employment Opportunity Office, with the assistance of the department. A formal complaint generally requires a more extensive investigation and questioning of witnesses. Either the Civil Service Commission or the Equal Employment Opportunity Officer makes recommendations for resolution of a formal complaint.

A classified City employee or job applicant may choose to present a complaint to the Civil Service Commission. The commission may then elect to either investigate the complaint as it relates to the Civil Services Rules and Regulations or refer it to the City's Equal Employment Opportunity Office for investigation.

These processes are designed to administratively resolve complaints in a timely manner, and minimize the financial impact upon both the complainant and the City.

A. Informal Complaint

Each department head designates an Equal Employment Opportunity Counselor who acts as liaison between management and the department's employees. The Counselor serves as the primary contact person on equal employment issues, and assists employees in the resolution of problems and concerns related to equal employment opportunity matters.

1. Department Level

Whenever possible, complaints should be handled at the departmental level. Employees, unpaid interns and volunteers should be made aware of the name of the Equal Employment Opportunity Counselor within their Department. Any employee, unpaid intern or volunteer who feels she/he has been subjected to illegal discrimination should immediately advise either the Department's Equal Employment Opportunity Counselor or an appropriate supervisor/manager. Timeliness in handling a complaint indicates to the complainant's concerns are being taken seriously.

No complainant shall fear reprisal or retaliation because of reporting an alleged act of discrimination.

To the extent possible, it is important that strict confidentiality be maintained. Information pertaining to the complaint shall be maintained in a separate confidential file. Employees are allowed to use scheduled work hours in order to

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meet with their Equal Employment Opportunity Counselor or appropriate supervisor/manager.

The City's Equal Employment Opportunity Officer should be advised of all complaints, whether or not assistance is required. The City's Equal Employment Opportunity Officer will notify the City Attorney's Office of all complaints.

After investigation, should the Equal Employment Opportunity Counselor or supervisor/manager conclude that an employee, unpaid intern or volunteer was subjected to discriminatory treatment or retaliation, she/he is to advise the Department Head and the City's Equal Employment Opportunity Officer of the proposed resolution to the situation. When finalized, the resolution is to be presented to the employee, unpaid intern or volunteer, in writing, and a copy shall also be forwarded to the City's Equal Employment Opportunity Officer.

2. Equal Employment Opportunity Officer

An employee, unpaid intern or volunteer may choose to discuss a complaint with the City's Equal Employment Opportunity Officer, rather than within his or her own Department. If so, she/he may obtain an appointment during scheduled work hours and, after advising his/her supervisor of the scheduled appointment, meet with the City's Equal Employment Opportunity Officer.

B. Formal Complaint

A formal complaint generally results from an inability to resolve a complaint at the informal level. A formal complaint may either be handled through the Equal Employment Opportunity Office or the Civil Service Commission, as it relates to the Civil Service Rules and Regulations.

A complainant may elect to pursue his/her complaint through the Equal Employment Opportunity Office without first pursuing an informal resolution. In this case, the Equal Employment Opportunity Officer/designee shall contact the City Attorney's Office prior to contacting the complainant to arrange an interview.

The Equal Employment Opportunity Officer acts as a neutral third party and is responsible for determining the facts. The City Attorney determines whether illegal discrimination occurred. The role of the Equal Employment Opportunity Officer is not to serve as an advocate of either the City or the complainant.

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In order to seek resolution, the Department and any relevant witnesses shall be contacted. Upon completion of the findings, the Equal Employment Opportunity Officer shall contact the Department, advising them of the findings and the recommended resolution of the complaint.

The Equal Employment Opportunity Office shall advise the complainant, in writing, of the findings and resolution. A copy of the resolution should be sent to the departmental Equal Employment Opportunity Counselor.

If dissatisfied with the results at the formal complaint stage, complainants are informed that they may file a complaint with the California Department of Fair Employment and Housing (DFEH), the U. S. Equal Employment Opportunity Commission (EEOC), or other appropriate agency.

C. Outside Regulatory Agencies

The City's Equal Employment Opportunity Office is responsible for all responses to complaints from outside regulatory agencies. Should a Department receive a complaint directly, it is to immediately forward the complaint to the Equal Employment Opportunity Office.

Upon receipt of a complaint, the Equal Employment Opportunity Office will notify the City Attorney's Office and contact the Department, providing both with a copy of the complaint. The Department will respond to the allegations contained in the complaint and return it, via the City Attorney's Office, to the Equal Employment Opportunity Office within the time specified. The Equal Employment Opportunity Officer/designee will then prepare the City's response.

In preparing the City's response, it may be necessary to contact individuals directly involved in the complaint or individuals who may be able to provide additional information.

Once the response is complete, it will be sent to the City Attorney's Office for review. When approval is obtained, the response is forwarded to the appropriate regulatory agency. A copy of the City's response is sent to the Department for record keeping purposes.

IV. RELATED INFORMATION (IF APPLICABLE)

Personnel Policies & Procedures, Policy 2.2: Unlawful Harassment Complaints
Administrative Regulations, AR8-10: Policy Regarding Sexual Harassment

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V. REFERENCES

- A. Equal Employment Opportunity Program Plan: Section - Responsibility; Equal Employment Opportunity Office
 - B. Civil Service Rules and Regulations: Article I, Section 2 - Non-Discrimination
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CITY OF LONG BEACH

PERSONNEL POLICIES + PROCEDURES

Policy 2.2	Unlawful Harassment Complaints
	Effective Date: November 5, 1992 Last Revision Date: March 10, 2015

I. POLICY STATEMENT

It is the policy of the City of Long Beach to actively promote equal employment opportunity to all persons on all matters affecting City employment. The City of Long Beach reaffirms that no person shall be harassed on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, genetic information, gender, gender expression, gender identity, military and veteran status or on any other basis inconsistent with Federal or State statutes, the City Charter, or City ordinances, resolutions, rules or regulations.

II. DEFINITIONS

A. Unlawful Harassment

Harassment, which creates a hostile, intimidating, or offensive work environment, and occurs because of an employee's, unpaid intern's or volunteer's protected status (i.e. race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, genetic information, gender, gender expression, gender identity or military and veteran status), is unlawful.

B. Sexual Harassment

Sexual harassment is a form of sex discrimination. It is conduct of a sexual nature, which is "unwelcome", not asked for, and not returned.

Sexual harassment can consist of any form or combination of verbal, non-verbal, visual, or physical conduct. It need not be explicit, or even specifically directed at an individual. Such behavior includes, but is not limited to: sexually offensive comments, offers, slurs, innuendoes, leering, ogling, posters, cartoons, or drawings; physical contact such as touching, pinching, or brushing against another body; or demands for sexual favors.

Unwelcome sexual conduct which is sufficiently severe and pervasive as to create a hostile, intimidating, or offensive work environment, or when an employment decision

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or selection into a training program leading to employment is based on whether an employee, unpaid intern or volunteer submitted or refused to submit to some form of sexual conduct, is considered sexual harassment.

The following are three criteria, which shall be utilized as guidelines for determining whether or not certain conduct constitutes unlawful sexual harassment:

- Submission to the conduct is made either as an explicit or implicit condition of employment; or,
- Submission to or rejection of such conduct is the basis for employment decisions affecting an individual, such as, continued employment or decisions affecting pay, benefits, and/or advancement opportunities, or other terms and conditions of employment; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

C. Retaliation

Retaliation against an individual for having initiated a complaint of harassment or discrimination is considered unlawful harassment. To discipline, transfer, shun, or deny a promotional opportunity, training, or assignment to an employee, unpaid intern or volunteer, after she/he has filed a complaint, may be viewed as retaliation.

III. COMPLAINT RESOLUTION PROCESS

The following procedures are intended to facilitate the timely resolution of complaints of unlawful harassment. They are designed to administratively resolve complaints in a timely manner, ensure that appropriate action is taken, and minimize the financial impact upon both the complainant and the City.

A City employee, unpaid intern, volunteer, job applicant, or third party, such as a member of the public, has several administrative processes available to her/him for resolution of a complaint. An individual may present a complaint to an appropriate supervisor/manager, a departmental Equal Employment Opportunity Counselor/designee, or the City's Equal Employment Opportunity Office in the Department of Human Resources.

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Each Department head designates an Equal Employment Opportunity Counselor who acts as liaison between management and the department's employees. The counselor serves as the department's primary contact person on equal employment opportunity issues, and assists employees in the resolution of problems and concerns related to equal employment opportunity matters.

Upon request, employees shall be permitted to use scheduled work hours in order to meet with their Equal Employment Opportunity Counselor, appropriate supervisor/manager, or the City's Equal Employment Opportunity Office. No employee, unpaid intern or volunteer shall fear reprisal or retaliation because of reporting an alleged act of harassment.

It is important that complainants be advised of their rights to file a complaint with an external regulatory agency (see Section IV-C). They should, however, be encouraged to first utilize the City's internal procedures to seek resolution.

IV. PROCEDURES

Any employee, unpaid intern or volunteer, who believes she/he has experienced any type of unlawful harassment, should immediately notify the appropriate supervisor, manager, departmental Equal Employment Opportunity Counselor, or the City's Equal Employment Opportunity Office.

A. Departmental Investigation

1. Upon being made aware that an issue exists regarding harassment, a Department shall immediately contact the City's Equal Employment Opportunity Office for direction, prior to proceeding with any investigation, and before taking any action. The City's Equal Employment Opportunity Office will notify the City Attorney's Office. This will help verify that the policy is being correctly interpreted and the procedures are properly followed. It will also provide consistency in the City's response to allegations regarding unlawful harassment and ensure that immediate and appropriate action is taken.

In the event a complaint is filed with the Equal Employment Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH), by following this procedure, the Equal Employment Opportunity Officer will be fully informed and in agreement with all prior actions taken.

2. With the concurrence of the Equal Employment Opportunity Office, a Department shall proceed with an investigation.

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During this entire process, it is critical that, to the extent possible, strict confidentiality be maintained. Any individual contacted during an investigation is to be instructed to maintain confidentiality regarding all matters related to the complaint. All records pertaining to the complaint are strictly confidential, and are to be maintained apart from any personnel file.

As part of the investigation, the complainant must advise the Department what she/he would consider as a resolution of the complaint.

3. Upon completion of an investigation and prior to drawing any conclusion, a Department shall again contact the Equal Employment Opportunity Office. In cooperation with the Equal Employment Opportunity Office, the course of action will be determined, including any corrective action, if appropriate.
4. Upon completion of the corrective action, a Department shall notify the complainant, complete records, and report the actions taken to the Equal Employment Opportunity Office.

B. Equal Employment Opportunity Office Investigation

The Equal Employment Opportunity Office acts as a neutral third party in a complaint, and is responsible for investigating, examining the facts, and determining whether unlawful harassment occurred. The role of the Equal Employment Opportunity Office is not to serve as an advocate of either the City or the complainant, but to determine the truth of the matter and protect the City against liability.

1. An employee, unpaid intern, volunteer or job applicant always has the option of filing a complaint directly with the City's Equal Employment Opportunity Office.

An employee shall be allowed to use scheduled work hours for meeting with the Equal Employment Opportunity Officer/designee.

2. The Equal Employment Opportunity Office shall notify the City Attorney's Office of all complaints to ascertain if an investigation is warranted and/or approved. If approved, the City Attorney determines whether the Department, the Equal Employment Opportunity Office, or an outside consultant will conduct the investigation into the allegations.
3. The Equal Employment Opportunity Office shall contact and advise the Department Head that an employee/unpaid intern/ volunteer /applicant has filed

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an unlawful harassment complaint. The Department Head is notified of the Attorney-directed course of action.

4. In order to seek resolution, any person(s) having knowledge of the incident(s) may be contacted directly by the Equal Employment Opportunity Officer/designee. When this occurs, and if necessary, the Equal Employment Opportunity Office will notify the appropriate Department Manager of the contact and the relevant information received from the employee/unpaid intern/volunteer /applicant (s).

Because an investigation may ultimately be conducted by an outside regulatory agency, it is imperative that the Equal Employment Opportunity Office receive all comments uncensored, and as stated by the employee/unpaid intern/volunteer/applicant (s). Under no circumstances will information be altered or withheld. This could impede the City's ability to properly respond to the charges and ultimately result in additional liability to the City.

5. Upon completion of the investigation, the Equal Employment Opportunity Office shall contact and advise the Department of the results and the appropriate corrective action that will be recommended to the City Manager/designee.

Following the completion of any corrective action, the Department is to advise the Equal Employment Opportunity Office of the actions taken. The Equal Employment Opportunity Office shall then inform the complainant of the resolution and closure of the complaint. The complainant shall also be advised of her/his right to file a complaint with an external regulatory agency.

C. Outside Regulatory Agencies

An individual may elect to file a complaint with an outside regulatory agency. The state agency is the California Department of Fair Employment and Housing (DFEH) and the federal agency is the U. S. Equal Employment Opportunity Commission (EEOC).

1. The City's Equal Employment Opportunity Office is responsible for handling and responding to all complaints filed with the outside regulatory agencies. Should a Department receive a complaint directly, it should immediately forward it to the Equal Employment Opportunity Office.

Once a complaint is received from an outside agency, communication with the individual/complainant ceases and all further communication takes place between the Equal Employment Opportunity Office and the regulatory agency. It is the

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responsibility of the Equal Employment Opportunity Office, on behalf of the City, to prepare a response to the complaint.

2. Upon receipt of a complaint, the Equal Employment Opportunity Office provides notification to the City Attorney's Office and the Department Head, which includes a copy of the complaint. The Department assigns an individual to respond to the allegations contained in the complaint, provides any additional information that might assist in preparing the City's response, and returns it to the Equal Employment Opportunity Office within the time specified.
3. Upon receipt of the Department's response, the Equal Employment Opportunity Office prepares the City's response to the regulatory agency. As with internal investigations, individuals who may be able to provide additional information or clarification may be contacted directly, following notification of appropriate Department management.
4. Once the City's response is complete, it is sent to the City Attorney's Office for review. When concurrence is obtained, the response is forwarded to the appropriate regulatory agency and a copy of the City's response is sent to the Department for record keeping purposes.
5. Prior to the resolution of a complaint, agencies often contact the Equal Employment Opportunity Office and request additional information and/or meetings with specific individuals. This will be coordinated through the Equal Employment Opportunity Office. There should not be any contact between a Department and the regulatory agency, without the prior knowledge by the Equal Employment Opportunity Office and the Approval of the City Attorney's Office.

Should a Department or individual receive contact from an agency, attorney, or union representing a complainant, they are to refer them to the Equal Employment Opportunity Office.

V. RELATED INFORMATION

Personnel Policies & Procedures, Policy 2.1: Discrimination Complaints
Administrative Regulations, AR8-10: Policy Regarding Sexual Harassment

Policy 2.2	Unlawful Harassment Complaints	
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VI. REFERENCES

- A. Equal Employment Opportunity Program Plan: Section - Responsibility Equal Employment Opportunity Office
 - B. Civil Service Rules and Regulations: Article I, Section 2 - Non-Discrimination
 - C. Civil Rights Act of 1964, as amended
 - D. Fair Employment & Housing Act
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DEPARTMENTAL EEO COUNSELORS

City Attorney	Tyler Pike	570-2208
City Auditor	James Lam	570-6989
City Clerk	Maggie Seymore	570-6549
City Council/Mayor	Mark Taylor	570-7799
City Manager	Andrew Vialpando	570-6782
City Prosecutor	Sherri Seldon	570-5621
Civil Service	Crystal Slaten	570-7057
Dev. Services	Michael Goldschmidt	570-7744
DPEC	Robert Belcher	570-9560
Eco/Prop Dev	Vaniah De Rojas	570-5386
Fin. Mgmt	Sandra Kennedy	570-6688
Fire	Meg Rau	570-2551
Gas & Oil	Sandra Aguilar	570-2043
Harbor	Stacey Lewis	283-7515
Health	Tom Papademetriou	570-3304
HR	Khristina Coston	570-6440
Library	Amber Ahlo	570-6110
LB Airport	Dale Worsham	570-2606
PR&M	Sheryl Bender	570-3188
Police	Paula Gallegos	570-7310
Public Works	Russ Ficker	570-4686
Tech\Innovation	Danielle Mitchell	570-7079
Water	Ken Bott	570-2364



CITY OF
LONGBEACH

This information is available in an alternative format upon request to the City's EEO Officer Khristina Coston, at (562) 570-6440.

(Revised 02/15/2018)

City of Long Beach
Department of Human Resources
Equal Employment Opportunity Section
333 West Ocean Blvd. 13th Floor
Long Beach, CA 90802

Harassment Free Workplace



Alejandrina R. Basquez, Director
Department of Human Resources
333 W. Ocean Blvd. 13th Floor
Long Beach, CA 90802

Equal Opportunity Employer

CITY OF
LONGBEACH

ATTACHMENT D

EQUAL EMPLOYMENT OPPORTUNITY POLICY

It is the policy of the City of Long Beach to actively promote and provide equal employment opportunity to all persons on all matters affecting City employment. The City of Long Beach is committed to a policy of non-discrimination in employment practices, and reaffirms its commitment that no person shall benefit or be discriminated against on the basis of race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sex, sexual orientation, or any other basis that is inconsistent with federal or state statutes, the City Charter, ordinances, resolutions, rules or regulations.

WHAT IS HARASSMENT

Harassment is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, offensive, or abusive work environment.

When such conduct occurs because of an individual's protected status (i.e. race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, age, sex, sexual orientation), it is unlawful.



WHAT IS SEXUAL HARASSMENT

Sexual harassment is conduct of a sexual nature, which is unwelcome, not asked for, and not returned. This is a form of sex discrimination.

Sexual harassment can consist of any form or combination of verbal, non-verbal, visual, or physical conduct. Such behavior includes, but

is not limited to: sexually offensive comments, offers, slurs, innuendoes, leering, ogling, posters, cartoons, or drawings; physical conduct such as touching, pinching, or brushing against another body; or demands for sexual favors.

Criteria used to determine sexual harassment:

- Submission to such conduct is made either as an explicit or implicit condition of employment;
- Submission to or rejection of such conduct is the basis for an employment decision affecting an individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.



WHAT IS RETALIATION

To discipline, transfer, shun, or deny a promotional opportunity, training or assignment to an employee, after he/she has filed a complaint, may be viewed as retaliation. Retaliation is unlawful.



HOW TO FILE A COMPLAINT

The complaint process is designed to administratively resolve complaints in a timely manner, ensure appropriate action is taken, and minimize financial impact to the employee and the City.

An individual may file a complaint with an appropriate supervisor or manager, a departmental EEO counselor/designee (see list on back), or the City's EEO Office.



COMPLAINT PROCEDURES

It is the City's intent to provide a workplace that is free from harassment and discrimination.

If an employee believes he/she has been subjected to any type of unlawful harassment or discrimination, he/she should notify the appropriate supervisor, manager, departmental EEO Counselor, or the City's EEO Office.

Based on the nature of the allegations, a prompt and thorough investigation will be conducted. Individuals with direct information pertaining to the complaint will be interviewed. To the extent possible, confidentiality will be maintained.

Upon completion of the investigation, the department and the City's EEO Office will determine a course of action, including any corrective action, if appropriate. The complainant will be informed of the findings and closure of the complaint.

At anytime during this process, the employee may elect to file a complaint with the outside regulatory agencies, either the California Department of Fair Employment and Housing or the U. S. Equal Employment Opportunity Commission.

For additional information, please refer to Personnel Policies and Procedures 2.1 and 2.2 or contact the City's EEO Officer:

Khristina Coston

(562) 570-6440

(562) 570-6107 (fax)

khristina.coston@longbeach.gov

DEPARTMENTAL EEO COUNSELORS

Abogado de la Ciudad	Tyler Pike	570-2208
Auditor Municipal	James Lam	570-6989
Secretario Municipal	Maggie Seymore	570-6549
Ayuntamiento y Alcaldía	Mark Taylor	570-7799
Administrador Municipal	Andrew Vialpando	570-6782
Fiscal de la Ciudad	Sherri Seldon	570-5621
Servicio Civil	Crystal Slaten	570-7057
Servicios de Desarrollo	Michael Goldschmidt	570-7744
DPEC	Robert Belcher	570-9560
Desarrollo Economico	Vaniah De Rojas	570-5386
Gestión Financera	Sandra Kennedy	570-6688
Bomberos	Meg Rau	570-2551
Gas y Combustible	Sandra Aguilar	570-2043
Puerto	Stacey Lewis	283-7515
Salud	Tom Papademetriou	570-3304
Recursos Humanos	Khristina Coston	570-6440
Biblioteca	Amber Ahlo	570-6110
Aeropuerto de LB	Dale Worsham	570-2606
Parques y Recreacion	Sheryl Bender	570-3188
Policía	Paula Gallegos	570-7310
Obros Públicas	Russ Ficker	570-4686
Technología e Innovación	Danielle Mitchell	570-7079
Agua	Ken Bott	570-2364



CIUDAD DE
LONG BEACH

Esta información está disponible en formatos alternativos con previa solicitud a la funcionaria de EEO de la ciudad, Khristina Coston, al (562) 570-6440.

(Revisado 02/15/18)

Ciudad de Long Beach
Departamento de Recursos Humanos
Igualdad de Oportunidades en el Empleo, Sección
333 West Ocean Blvd. piso 13
Long Beach, CA 90802

Lugar de trabajo libre de acoso



Alejandrina R. Basquez, directora
Departamento de Recursos Humanos
333 W. Ocean Blvd. piso 13
Long Beach, CA 90802

Empleador con igualdad de oportunidades

CIUDAD DE
LONG BEACH

ATTACHMENT D

POLÍTICA DE IGUALDAD DE OPORTUNIDADES EN EL EMPLEO

Es la política de la ciudad de Long Beach fomentar la igualdad de oportunidades de empleo (EEO, Equal Employment Opportunity) a todas las personas y en todos los aspectos que afecten el empleo en la ciudad. La ciudad de Long Beach está comprometida a cumplir con su política de no discriminación en relación a el empleo y reafirma su compromiso con que nadie resulte beneficiado o discriminado debido a su raza, religión, color, lugar de origen, ascendencia, discapacidad mental o física, enfermedad, estado civil, edad, sexo, orientación sexual, ni por cualquier otra razón incongruente con las leyes federales o estatales, los estatutos de la ciudad, ordenanzas, resoluciones, reglas o normas de la ciudad.

¿QUÉ ES LA ACOSO?

El acoso es una conducta que tiene el objetivo o el efecto de interferir irrazonablemente con el desempeño laboral de una persona o genera un entorno laboral abusivo, ofensivo, hostil o intimidante.

Cuando se presenta dicha conducta debido a la condición protegida de una persona (es decir, raza, religión, color, nacionalidad, ascendencia, discapacidad física o mental, enfermedad, estado civil, edad, sexo u orientación sexual), es un acto ilegal.



¿QUÉ ES EL ACOSO SEXUAL?

El acoso sexual es una conducta de naturaleza sexual que es indeseada, que no se ha pedido ni ha sido correspondida. Es una forma de discriminación sexual.

El acoso sexual puede consistir en cualquier forma o combinación de conducta no verbal, visual o física. Dicha conducta puede incluir, entre otras cosas: comentarios ofensivos de naturaleza sexual,

difamaciones, insinuaciones, miradas lascivas, lujuriosas, publicaciones o dibujos, conductas físicas como tocar, pellizcar o rozar el cuerpo de otra persona o solicitudes de favores sexuales.

Los criterios que se utilizan para determinar si hay acoso sexual:

- El sometimiento a dicha conducta se realiza como condición explícita o implícita del empleo.
- El sometimiento o el rechazo de dicha conducta se convierte en la base de una decisión laboral que afecta a una persona.
- Dicha conducta tiene el objetivo o efecto de interferir irrazonablemente con el desempeño laboral de una persona o genera un entorno laboral ofensivo, hostil o intimidante.



¿QUÉ SON LAS REPRESALIAS?

El tomar medidas disciplinarias, transferir, evitar o denegar una oportunidad de ascenso, capacitación o tarea a un empleado luego de que haya presentado una queja podría ser percibida como una represalia. Las represalias son ilegales.



CÓMO PRESENTAR UNA QUEJA

El proceso de quejas está diseñado para resolver quejas de forma administrativa y oportuna, garantizar que se tomen las medidas adecuadas y minimizar el impacto financiero para el empleado y la ciudad.

Individuos pueden presentar quejas a un gerente o supervisor apropiado, a un asesor o representante EEO asignado por el departamento (consulte la lista en el reverso) o a la oficina de EEO de la ciudad.



PROCEDIMIENTO DE QUEJAS

Es la intención de la ciudad proporcionar un lugar de trabajo que sea libre de acoso y discriminación.

Si un empleado considera que ha estado expuesto a cualquier tipo de acoso o discriminación ilegal, debe avisar a un gerente o supervisor correspondiente, asesor de EEO del departamento o a la oficina de EEO de la ciudad.

Según la naturaleza de las acusaciones, se realizará una investigación oportuna y exhaustiva. Las personas que tengan información directa relacionada con la queja serán entrevistadas. En la medida de lo posible, se va a mantener la confidencialidad.

Después de completar la investigación, el Departamento y la oficina de EEO de la ciudad van a decidir las medidas apropiadas, incluyendo cualquier medida correctiva, si es lo apropiado. El reclamante será informado sobre los hallazgos y sobre el cierre de la queja.

En cualquier momento durante el proceso, el empleado puede elegir presentar una queja con una agencia externa de reglamentación, como el Departamento de Igualdad en el Empleo y la Vivienda de California o la Comisión para la Igualdad de Oportunidades en el Empleo de EE. UU.

Para obtener información adicional, consulte Políticas y Procedimiento de Personal 2.1 y 2.2 o comuníquese con la funcionaria de EEO de la ciudad:

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